

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Christensen et al.
Appl. No.: 09/806,563
Conf. No.: 1517
Filed: March 30, 2001
Art Unit: Unknown
Examiner: Anita D. Johnson
Title: METHOD FOR TESTING SUBSCRIBER ACCESS LINES
Docket No.: 112740-201

#12

PETITION TO PERMIT FILING UNDER 37 C.F.R. § 1.47(a)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Pursuant to 35 U.S.C. §118 and 37 C.F.R. §1.47(a), inventors Ulrich Lieflander, Franz Schmoller, Ludwig Dirscherl, and Hans-Werner Rudolf ("the signing inventors") of the above-referenced patent application entitled, "Method for Testing Subscriber Access Lines" hereby request that the U.S. Patent and Trademark Office accept filing of the attached Declaration and Power of Attorney for Patent Application ("Declaration") of which the signing inventors have duly executed and on which Svend Christensen ("the non-signing inventor") has also been listed but has not signed.

2. The Declaration has been signed by all signing inventors and is submitted herewith with the signature block of the non-signing inventor left blank, which is to be treated as having been signed by all the available inventors on behalf of the non-signing inventor pursuant to 37 C.F.R. 1.47(a).

3. On November 17, 2003, the United States Patent and Trademark Office issued a Notice of Missing Parts for the above-referenced application, which requires a Declaration with the signature of all inventors.

4. Enclosed herewith is a statement by Ms. Desiree Göbel setting forth that the non-signing inventor was provided with copies of the application documents including the

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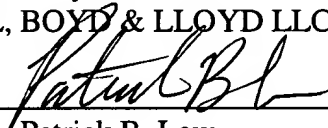
specification with claims, drawings and a Declaration, and that the non-signing inventor refused to sign the Declaration after being provided copies. As set forth in this statement, along with accompanying evidence, Ms. Göbel, an employee of Siemens AG, which has a proprietary interest in this present application, sent copies of the application papers to the non-signing inventor on three different occasions with no response from the non-signing inventor. After the third occasion, Ms. Göbel was informed by the non-signing that he refuses to sign these documents.

5. The last known address of the non-signing inventor is provided with the signature blocks in the Declaration.

6. This action is necessary to preserve the rights of Siemens AG and to prevent irreparable harm and damage to Siemens AG including its ability to grant and maintain a license to the invention disclosed in the above-identified application.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

BY


Patrick B. Law
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P.O. Box 1135
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Phone: (312) 781-6801

Dated: April 19, 2004

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Sir:

STATEMENT OF DESIREE GÖBEL

1. I, Desiree Göbel, am employed by Siemens AG, the assignee of the International Application PCT/DE99/03101 from which the present U.S. Application is based under 35 U.S.C. §371, which claims priority to German. Copies of the declaration and assignment of

2. Three times I sent a copy of the application papers in the present application, including the specification with claims, drawings and a declaration to the non-signing inventor, Svend Christensen, for signature via normal post (i.e., Deutsche Post AG) as a standard letter, by facsimile, and by e-mail. The first time that the documents were sent was March 27, 2001; the second time was December 5, 2003; and the third time was February 2, 2004. No response was received from Mr. Christensen to any of these communications.

3. On February 02, 2004 I telephoned Mr. Christensen and he indicated that he needed the documents sent to him by fax and by e-mail. In response to Mr. Christensen's request, I faxed and e-mailed the documents to him the same day. A Copy of this email is included herewith as evidentiary support of this communication. Mr. Christensen informed me that he refuses to sign these documents.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

By:

Desiree Göbel

Name:

Desiree Göbel

Date

17.03.2004